



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2019-00179

June 6, 2019

Via email: 63662-51355013@requests.muckrock.com

Jeremy Barr
MuckRock News
DEPT MR 63298
411A Highland Ave
Somerville, MA 02144

Dear Mr. Barr:

On November 10, 2018 you filed a Freedom of Information Act (FOIA) request seeking the following:

All emails sent between Secretary of the Interior Ryan Zinke and employees of Fox News Channel (email addresses ending in "@foxnews.com") or 21st Century Fox (email addresses ending in "@21cf.com") between March 1, 2017 and the present day.

On November 27, 2018, we acknowledged your request and advised you of your fee status in accordance with the FOIA. Today, we are writing with a final response to your request and releasing one file consisting of 3 pages. One of those pages contains redactions which are described below. This completes our response to your request.

Portions of the documents may be redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) because they fit certain categories of information:

E-mail Addresses

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

The courts have held that the phrase "similar files" involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a "balancing test." This means that we must weigh the individual's right to privacy against the public's right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.

- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency's statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat’l Ass’n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Jennifer Heindl, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding any of the issues discussed in this letter, you may contact Ryan McQuighan by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C St, NW, MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer